

FINDING OF EMERGENCY

The State Board of Education finds that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public peace, health and safety or general welfare.

SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION

Districts are implementing standards-based instructional programs in grades K-12 and need to provide students with instructional materials that align with the state content standards. The three instructional materials funding appropriations have been consolidated into one – the Instructional Materials Funding Realignment Program (IMFRP). Due to the late passage of the state budget for the 2002-2003 fiscal year, and the fact that Assembly Bill 1781, Chapter 802 of the Statutes of 2002, that created the IMFRP, is not in effect until January 2003, districts have not received Instructional Materials Funds in the current fiscal year.

The proposed regulations will implement the IMFRP starting in January 2003. It is necessary to have regulations delineating for local school districts the expenditure priorities and percentages in place by January 2003, when the funding is allocated. Districts will be able to purchase needed instructional materials and will do it in compliance with the new law.

If districts are unable to purchase and implement these standards-aligned instructional materials programs, the education of students in the public schools will suffer.

Authority and Reference

Authority: Sections 33031 and 60005, Education Code.

Reference: Sections 60242 (a-b), 60242.5, 60421 and 60422, Education Code.

Informative Digest

The State Constitution (Article 9, Section 7.5), and existing law (Education Code Section 60200) require the State Board to adopt instructional materials for grades K-8 and to establish rules and regulations for the use of state instructional materials funds.

The purpose of the regulations is to establish the expenditure percentages and priorities for the use of state instructional materials funds for grades K-12, as well as, to clarify and define the procedures for new school districts, charter schools and expanding grade levels.

9531. Instructional Materials Funding Realignment Program: Expenditure Policy Percentages and 24 month purchasing requirement.

This regulation clarifies the priorities for the purchase of instructional materials and defines the percentages that are authorized for specific purposes.

The effect of this regulation is to provide direction to school districts as to the appropriate, legal

uses of the Instructional Materials Fund under the Instructional Materials Fund Realignment Program.

9532. School District or Charter School in its First Year of Operation or of Expanding Grade Levels at a School site.

This regulation clarifies the requirements for a school district or charter school in its first year of operation or of expanding grade levels at a school site, to be eligible to receive funding based on enrollment estimates provided to the Department by the school district or charter school.

The effect of this regulation is to provide clear definitions and procedures for eligible districts and charter schools to qualify to receive funding under the Instructional Materials Fund Realignment Program.

Mandate on Local Agencies or School District

The State Board has determined that Sections 9531 and 9532 do not impose a mandate on local agencies or school districts. Funding is provided in the annual state budget for the purchase of instructional materials for grades K-12 through the Instructional Materials Fund Realignment Program. No further reimbursement is required.

Cost Estimate

The State Board has also determined that the regulation will involve no costs or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State.